

Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from Mississippi would vote "yea."

Mr. KUCHEL. I announce that the Senators from Vermont [Mr. AIKEN] and Mr. PROUTY, the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], the Senator from South Dakota [Mr. BORTUM], the Senator from Connecticut [Mr. BUSH], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORRISON], the Senator from Texas [Mr. TOWER], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN], and the Senator from Maryland [Mr. BEALL], would each vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from South Dakota [Mr. BORTUM] is paired with the Senator from Connecticut [Mr. BUSH]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORRISON] is paired with the Senator from Massachusetts [Mr. SALTONSTALL]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 56, nays 22, as follows:

[No. 303 Leg.]

YEAS—56

| | | |
|--------------|--------------|----------------|
| Allott | Hayden | Mundt |
| Bible | Hill | Murphy |
| Butler | Holland | Muskie |
| Byrd, Va. | Humphrey | Pastore |
| Byrd, W. Va. | Jackson | Pearson |
| Cannon | Javits | Randolph |
| Carlson | Johnston | Robertson |
| Carroll | Jordan, N.C. | Scott |
| Case | Kerr | Smathers |
| Church | Kuchel | Smith, Mass. |
| Cooper | Long, Mo. | Smith, Maine |
| Cotton | Long, Hawaii | Sparkman |
| Dirksen | Long, La. | Symington |
| Dodd | Mansfield | Talmadge |
| Ellender | McCarthy | Wiley |
| Engle | McGee | Williams, N.J. |
| Ervin | Metcalf | Young, N. Dak. |
| Fong | Monroney | Young, Ohio |
| Hartke | Moss | |

NAYS—22

| | | |
|-----------|---------------|----------------|
| Bartlett | Hickenlooper | Proxmire |
| Boggs | Jordan, Idaho | Russell |
| Burdick | Keating | Stennis |
| Curtis | Kefauver | Thurmond |
| Douglas | McNamara | Williams, Del. |
| Goldwater | Miller | Yarborough |
| Gore | Morse | |
| Hart | Neuberger | |

No. 179—16

NOT VOTING—22

| | | |
|----------|-----------|-------------|
| Alken | Clark | McClellan |
| Anderson | Eastland | Morton |
| Beall | Fulbright | Pell |
| Bennett | Gruening | Prouty |
| Bortum | Hickey | Saltonstall |
| Bush | Hruska | Tower |
| Capehart | Lausche | |
| Chavez | Magnuson | |

So the report was agreed to.

Mr. KERR. Mr. President, I move that the vote by which the conference report was adopted be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE CLERK OF THE HOUSE TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 8567

The PRESIDING OFFICER (Mr. HART in the chair) laid before the Senate, House Concurrent Resolution No. 581, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 8567) to authorize the Secretary of the Interior to create trial boards for the United States Park Police, and for other purposes, the Clerk of the House is authorized and directed to make the following correction:

In Senate amendment numbered 3, strike out "discharges" and insert in lieu thereof "charges".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the concurrent resolution. Its purpose is to correct an error in H.R. 8567.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

THE 85TH BIRTHDAY ANNIVERSARY OF SENATOR HAYDEN, OF ARIZONA

Mr. MANSFIELD. Mr. President, it is my pleasure and privilege to call to the attention of the Senate the fact that today is the birth anniversary of a great man, the senior Senator of the United States, the President pro tempore of this body, a man whom, regardless of our political affiliations, we respect, admire, and love.

On this occasion I want to extend, on my behalf—and I hope all other Senators will join me—my felicitations and congratulations to the senior Senator from Arizona on his birth anniversary.

[Prolonged applause, Senators rising.]

Mr. HAYDEN. Mr. President, what the majority leader says makes me very happy to be 85 years young.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight it adjourn to meet at 10 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD obtained the floor. Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I wish to ask the majority leader about the schedule for the remainder of the day.

Mr. MANSFIELD. In response to the question raised by the distinguished minority leader—whom we are all glad to see back in the Chamber and in such obviously good health—

Mr. DIRKSEN. I thank the Senator. [Applause.]

Mr. MANSFIELD. There will be no further business tonight except for a couple of bills which seem to be without opposition and which have cleared both sides.

Mr. President, it is the intention, at the conclusion of the morning hour tomorrow, to take up Calendar No. 2176, H.R. 8140, a bill to strengthen the criminal laws relating to bribery, graft, and conflict of interest, and for other purposes.

It is my understanding that the Senator from New York [Mr. KEATING] has several amendments, and that he is agreeable to a time limitation of very short duration on those amendments.

Then it is contemplated that the Senate will take up the State, Justice, and Commerce appropriation bill; the conference report on the drug bill; possibly the conference report on the trade bill, in the event the House has acted, possibly tomorrow, more likely on Thursday; the conference report on H.R. 7283, the war claims bill, in the event the House has acted Wednesday or Thursday.

For the remainder of the week, on Thursday and possibly Friday, there will be the supplemental appropriation bill; the conference report on the District of Columbia Appropriation bill; the conference report on the State, Justice, Commerce, Judiciary appropriation bill; the conference report on the Agriculture Department appropriation bill; the conference report on the public works appropriation bill; the conference report on the foreign-aid appropriation bill; the conference report on the supplemental appropriation bill; and other odds and ends as they come in.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. Speaking about odds and ends, does the Senator have any recommendation to make to me as to the bill to which I should attach the Senate "prohibition" bill?

Mr. MANSFIELD. I would say any bill.

OATH OF APPLICANT FOR PATENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of Calendar No. 2132, S. 2639.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2639) to amend the provisions of title 35 of the United States Code relating to the oath of applicant for patent, and the provisions of the Trademark Act of July 5, 1946, relating to verification by the applicant of application for trademark registration, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That title 35, United States Code, is amended by adding the following new sections after section 24:

"§ 25. Declaration in lieu of oath

"(a) The Commissioner may by rule prescribe that any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration in such form as the Commissioner may prescribe, such declaration to be in lieu of the oath otherwise required.

"(b) Whenever such written declaration is used, the document must contain a warning that willful false statements and the like are punishable by fine or imprisonment, or both, under section 1001, title 18, United States Code.

"§ 26. Effect of defective execution

"Any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be executed in a specified manner may be provisionally accepted by the Commissioner despite a defective execution, provided a properly executed document is submitted within such time as may be prescribed."

Sec. 2. The analysis of chapter 2 of title 35, United States Code, immediately preceding section 21, is amended to read as follows:

"Sec.

"21. Day for taking action falling on Saturday, Sunday, or holiday.

"22. Printing of papers filed.

"23. Testimony in Patent Office cases.

"24. Subpenas, witnesses.

"25. Declaration in lieu of oath.

"26. Effect of defective execution."

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill (S. 2639) was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend title 35 of the United States Code to permit a written declaration to be accepted in lieu of an oath, and for other purposes."

PUBLIC NOTICE OF SETTLEMENTS IN PATENT INTERFERENCES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of calendar No. 2133, H.R. 12513.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 12513) to provide for public notice of settlements in patent interferences, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That section 135 of title 35, United States Code, is amended by designating the first and second paragraphs thereof as subsections (a) and (b), respectively, and by adding thereto the following subsection:

"(c) Any agreement or understanding between parties to an interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the Patent Office before the termination of the interference as between the said parties to the agreement or understanding. If any party filing the same so requests, the copy shall be kept separate from the file of the interference, and made available only to Government agencies on written request, or to any person on a showing of good cause. Failure to file the copy of such agreement or understanding shall render permanently unenforceable such agreement or understanding and any patent of such parties involved in the interference or any patent subsequently issued on any application of such parties so involved. The Commissioner may, however, on a showing of good cause for failure to file within the time prescribed, permit the filing of the agreement or understanding during the six-month period subsequent to the termination of the interference as between the parties to the agreement or understanding.

"The Commissioner shall give notice to the parties or their attorneys of record, a reasonable time prior to said termination, of the filing requirement of this section. If the Commissioner gives such notice at a later time, irrespective of the right to file such agreement or understanding within the six-month period on a showing of good cause, the parties may file such agreement or understanding within sixty days of the receipt of such notice.

"Any discretionary action of the Commissioner under this subsection shall be reviewable under section 10 of the Administrative Procedure Act."

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 12513) was read the third time and passed.

EXTENSION OF REGULATORY AUTHORITY UNDER CONVENTION FOR ESTABLISHMENT OF INTER-AMERICAN TROPICAL TUNA COMMISSION

Mr. BARTLETT. Mr. President, I ask the Presiding Officer to lay before the Senate the amendments of the House of

Representatives to the bill, S. 2568, to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill from the Senate (S. 2568) entitled to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes, which were, on page 1, strike out lines 7 and 8, and insert:

(e) "United States" shall include all areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

On page 5, line 4, strike out "any" and insert "such", and on page 5, strike out lines 7 through 13, inclusive, and insert "The aforesaid prohibitions shall continue until the Secretary of the Interior is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry."

Mr. BARTLETT. Mr. President, the House amendments were suggested by the Department of State and are of a technical and clarifying nature. They do not alter the substance of the bill. They were worked out after consultation with the American tuna industry, which has a deep interest in this subject.

I move that the Senate concur in the House amendments to S. 2568.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. BARTLETT. Mr. President, I move that the vote by which the Senate concurred in the House amendments to S. 2568 be reconsidered.

Mr. MCCARTHY. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2187, H.R. 11732.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended.

The VICE PRESIDENT. The question is on agreeing to the motion by the Senator from Montana.

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The motion was agreed to; and the Senate proceeded to consider the bill.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 11732) was ordered to a third reading, read the third time, and passed.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1963

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2188, which is to be the unfinished business.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 12580) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1963, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 12580), which had been reported from the Committee on Appropriations, with amendments.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, October 2, 1962, he pre-

sented to the President of the United States the following enrolled bills and joint resolutions:

S. 699. An act to amend the act entitled "An act to incorporate the Hungarian Reformed Federation of America," approved March 2, 1907, and for other purposes;

S. 8120. An act to amend section 6 of the act of May 29, 1884;

S. 3152. An act to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under certain Federal programs, including the national school lunch program;

S. 3156. An act to amend section 142 of title 28, United States Code, with regard to furnishing court quarters and accommodations at places where regular terms of court are authorized to be held, and for other purposes;

S. 3396. An act to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds;

S. 3431. An act to consent to the amendment of the Pacific Marine Fisheries Compact and to the participation of certain additional States in such compact in accordance with the terms of such amendment;

S.J. Res. 211. Joint resolution providing for the establishment of an annual National School Lunch Week; and

S.J. Res. 228. Joint resolution authorizing the issuance of a gold medal to General of the Army Douglas MacArthur.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, according to the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and, (at 5 o'clock and 26 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Wednesday, October 3, 1962, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 2 (legislative day of October 1), 1962:

DIPLOMATIC AND FOREIGN SERVICE AMBASSADORS

Llewellyn E. Thompson, of Colorado, a Foreign Service officer of the class of career ambassador, to be Ambassador at Large.

W. Walton Butterworth, of Louisiana, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of United States of America to Canada.

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

John M. Leddy, of Virginia, to be the representative of the United States of America to the Organization for Economic Cooperation and Development.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Hollis B. Chenery, of California, to be Assistant Administrator for Program Review and Coordination, Agency for International Development.

Dr. Leona Baumgartner, of New York, to be Assistant Administrator for Human Resources and Social Development, Agency for International Development.

IN THE ARMY

The nominations beginning Samuel J. Merrill to be major, and ending Eugene K. Wilson III to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 21, 1962.

House of Representatives

TUESDAY, OCTOBER 2, 1962

The House met at 12 o'clock noon.
The Reverend Maurice D. Ashbury, of the All Saints' Episcopal Church, Frederick, Md., offered the following prayer:

Almightly and most gracious Heavenly Father, we humbly beseech Thee, to pour out Thy spirit upon all flesh, that all men everywhere may dwell together in peace and safety and Thy will be done on earth as it is in heaven. Bless all the people of these United States and especially their Representatives in Congress here assembled. Grant them wisdom and strength to know and to do Thy will. Guide and direct them in all their deliberations to the advancement of the safety, honor, and welfare of all Thy people. Grant that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. These and all other necessities for them and for all people of these United States, we ask humbly in the name of and for the sake of Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9342. An act to provide for an exchange of lands between the United States and the Southern Ute Indian Tribe, and for other purposes; and

H.R. 12080. An act to permit domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11865) entitled "An act to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JORDAN of North Carolina, Mr. EASTLAND, Mr. YOUNG of Ohio, and Mr. HART, Mr. HICKENLOOPER, Mr. YOUNG of North Dakota, and Mr. COOPER to be the conferees on the part of the Senate.

20568

PUBLIC WORKS APPROPRIATION BILL, 1963

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12900) making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

The Chair hears none and appoints the following conferees: Messrs. CANNON, KIRWAN, FOGARTY, JENSEN, and TABER.

CONFERENCE REPORTS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that for the remainder of the session it may be in order for the Committee on Appropriations to file conference reports at any time.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, may we have the request restated?

Mr. CANNON. We come in every day and on every bill we ask that we have until midnight to file a report, whether the House is in session or not. This is merely the filing of the report before midnight.

Mr. GROSS. Mr. Speaker, I still did not understand the request of the gentleman from Missouri.

The SPEAKER. The gentleman from Missouri [Mr. CANNON] asks unanimous consent, as the Chair understands the gentleman's request, that the Committee on Appropriations may have permission to file conference reports at any time during the balance of the session.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TO AMEND SECTION 641 OF TITLE 38, UNITED STATES CODE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (H.R. 9737) to amend section 641 of title 38, United States Code, to provide that deductions shall not be made from Federal payments to a State home because of amounts collected from the estates of deceased veterans and used for recreational or other purposes not required by State laws, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, after line 10, insert a new section, as follows:

"Sec. 2. Section 1712 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection if (1) he suspends pursuit of his program of education after having enrolled in such program within the time period applicable to him under such subsection, (2) he is unable to complete such program after the period of suspension and before attaining the age limitation applicable to him under such subsection, and (3) the Administrator finds that the suspension was due to conditions beyond the control of such persons; but in no event shall educational assistance be afforded such person by reason of this subsection beyond the age limitation applicable to him under subsection (a) of this section plus a period of time equal to the period he was required to suspend the pursuit of his program, or beyond his thirty-first birthday, whichever is earlier."

Amend the title so as to read: "An Act to amend section 641 of title 38, United States Code, to provide that deductions shall not be made from Federal payments to a State home because of amounts collected from the estates of deceased veterans and used for recreational or other purposes not required by State laws, and to amend chapter 35 of such title in order to afford educational assistance in certain cases beyond the age limitations prescribed in such chapter."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO AMEND TITLE 38, UNITED STATES CODE, RELATING TO AWARDS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from